



**THE CITY OF NEW YORK  
LAW DEPARTMENT**

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May 10, 2022

**VIA ECF**

Honorable Jesse M. Furman  
United States District Judge  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: Vay Gordon v. City of New York, et al.,  
21 Civ. 02154 (JMF)-(OTW)

Your Honor:

I am an Assistant Corporation Counsel in the office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York and the attorney assigned to the defense of the above-referenced action. I write this letter to the Court to respectfully request a 30 (thirty) day extension, from June 10 until July 11, 2022, to complete fact discovery. This is the second request to extend discovery.

By way of background, plaintiff was arrested on June 2, 2020 at 434 East 155<sup>th</sup> Street, Bronx, for violating the curfew issued by the Mayors executive order. Plaintiff's arrest was later voided, and he brings claims including False Arrest, Excessive Force, and Monell stemming from this arrest.

Currently the parties have completed paper discovery and begun depositions. Plaintiff's deposition was held on February 18, 2022 and Defendant Iodice's deposition was held on April 6, 2022. In addition, the parties have been engaged in settlement discussions during this same period of time. The parties scheduled the two of the remaining three depositions of defendant officers in this matter to take place earlier this week. However, I was recently assigned to a trial beginning on May 18, 2022<sup>1</sup> which has impacted my schedule and made completing these depositions prior to trial challenging. As a result, I reached out to plaintiff's counsel and let them know the depositions scheduled for this week would need to be postponed. In addition, I am on my Honeymoon for the week and a half after Memorial Day, and so will have limited time to complete the depositions after my return on June 8, 2022.

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<sup>1</sup> Mary Tardif v. City of New York et al., 13-CV-4056 (KMW)(KNF).

In light of these scheduling issues, defendants request that discovery be extended by thirty days. Defendants Briggs, Cruz have confirmed their availability through July 11, 2022, and Defendant Espinal has a conflict June 17 through June 27, but is otherwise available. This enlargement of time should permit the completion of these depositions.

Further, good-faith negotiations have been initiated again and the City and Plaintiff have made significant headway, and are ongoing in an attempt to resolve this matter. In light of this, the Defendants respectfully request that all deadlines be enlarged by thirty (30) days. The plaintiff does not consent to the proposed deadlines, and as per the Court's individual rules, the plaintiff requests a conference. For ease of reference, the deadlines would be extended as follows:

Fact Discovery: July 11, 2022

Expert Discovery: August 29, 2022

The Defendants thank the Court for its consideration of this request.

Respectfully submitted,

/s/ *Michael Viviano*

Michael Viviano, Esq.

Cc Via ECF:  
John Grill, Esq.  
Jonathan Gleit, Esq.

Application GRANTED. The pretrial conference currently scheduled for June 16, 2022, is hereby ADJOURNED to **July 20, 2022, at 3:45 p.m.** Additionally, Plaintiff's request for a conference, *see* ECF No. 55, is hereby DENIED as moot. The Clerk of Court is directed to terminate ECF Nos. 55 and 56.

SO ORDERED.

A handwritten signature in blue ink, appearing to read 'Jonathan Gleit', is written over the 'SO ORDERED' text.

May 11, 2022